



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Nguyen et al.

Serial No.: 09/207,945

Group Art Unit: 2176

Filed: December 9, 1998

Examiner: Huynh, Thu V.

For: SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
ASSOCIATING DYNAMICALLY GENERATED WEB PAGE CONTENT
WITH WEB SITE VISITORS

Commissioner for Patents
Washington, DC 20231

SECOND DECLARATION OF NEEDHAM J. BODDIE, II
UNDER 37 C.F.R. § 1.131

I, Needham J. Boddie, II hereby declare and say as follows:

1. I am an attorney of record for the International Business Machines Corporation (hereinafter "IBM") for the above-referenced patent application.

2. On page 1 of Invention Disclosure RSW8-1998-0144 (hereinafter, the "Invention Disclosure"), it is set forth that inventor Sandeep Singhal created the Invention Disclosure on July 31, 1998, and that the Invention Disclosure was last modified by inventor Binh Nguyen on August 5, 1998. A copy of the Invention Disclosure is attached as **Appendix A**.

3. On page 1 of the Invention Disclosure, it is set forth that the Invention Disclosure was submitted for review to IBM in-house patent attorney Bruce Clay on August 4, 1998.

4. On October 7, 1998, IBM in-house patent attorney, Bruce Clay, forwarded the Invention Disclosure to my firm (Myers, Bigel, Sibley & Sajovec).

5. Between October 7, 1998 and November 25, 1998, I met with inventor Binh Q. Nguyen to discuss the Invention Disclosure, and prepared an initial draft of the above-referenced patent application for review by inventors Nguyen and Singhal.

6. On November 25, 1998, I submitted an initial draft (hereinafter "the Draft Application") of the above-referenced patent application to inventors Nguyen and Singhal for review. A copy of the letter (with Attorney-Client privileged information redacted) from me to inventors Nguyen and Singhal, dated November 25, 1998, submitting the initial draft of the above-referenced patent application to inventors Nguyen and Singhal is attached as **Appendix B**. A copy of the Draft Application is attached as **Appendix C**.

7. Claims 1, 7, 12, 18, 24, 29, 35, 41 and 46 of the Draft Application correspond to independent Claims 1, 9, 13, 20, 28, 32, 39, 47 and 51, respectively, of the present application (upon entry of the amendments submitted concurrently herewith), except that each of the claims now pending includes the further recitation "wherein the unique identifier is generated via a hashing function" or "wherein the unique first and second identifiers are generated via a hashing function", which recitations are not found in the corresponding claims of the Draft Application as listed above. However, Claims 5, 16, 22, 33, 39 and 50 of the Draft Application each recite "wherein the unique identifier associated with the content object is generated by a hashing function." Additionally, the Draft Application states on page 9 thereof:

Preferably a unique identifier is generated using a hashing function. As is known by those skilled in this art, hashing is the transformation of a string of characters into a usually shorter fixed-length value or key that represents the original string. A well known hashing function that is particularly suitable for generating unique identifiers for content objects is the Message Digest 5 (MD5) hashing function. MD5 was authored by Ronald L. Rivest, Massachusetts Institute of Technology, Laboratory for Computer Science, Cambridge, MA, and is described in the Network Working Group Request for Comments 1321 (RFC 1321), April, 1992, which is incorporated herein by reference in its entirety.

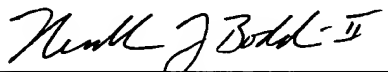
Accordingly, taken together, the claims of the Draft Application and the passage above clearly include all of the subject matter of at least the currently pending independent Claims 1, 9, 13, 20, 28, 32, 39, 47 and 51 and demonstrate full conception of each of the inventions of these claims at least as early as November 25, 1998.

8. Between November 25, 1998 and December 9, 1998, comments were received from inventors Nguyen and Singhal and a final draft of the above-referenced patent application was prepared by me.

9. The final draft of the above-referenced patent application was filed in the United States Patent and Trademark Office by the express mail procedure on December 9, 1998, and subsequently received this date as the official filing date.

10. The facts set forth in Paragraphs 1-8 above clearly establish that inventors Nguyen and Singhal conceived the subject matter of at least independent Claims 1, 9, 13, 20, 28, 32, 39, 47 and 51 of the above-referenced application and diligently proceeded with constructively reducing to practice the subject matter of these claims from a time prior to December 8, 1998 to the filing date of the application, December 9, 1998.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Needham J. Boddie, II
PTO Reg. No. 40,519

2-25-2003

Date